

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1389

United States of America,

Appellee,

v.

\$20,000.00 in U.S. Currency,

Defendant,

Hyon Ok Stallings,

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: September 21, 2005

Filed: September 27, 2005

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Claimant Hyon Ok Stallings appeals from the district court's¹ adverse grant of summary judgment in this civil forfeiture action.

¹The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.

We conclude summary judgment was proper because the government met its burden of proving probable cause to forfeit the \$20,000 at issue, and Stallings failed to meet her burden of showing by a preponderance of the evidence that the \$20,000 was not connected to drug-trafficking activities. See United States v. Premises Known as 7725 Unity Ave. N., Brooklyn Park, Minn., 294 F.3d 954, 958 (8th Cir. 2002) (burden shifting); United States v. \$141,770 in U.S. Currency, 157 F.3d 600, 604 (8th Cir. 1998) (where large sums of money are not only stowed in an unusual location, but are also wrapped in scented fabric softener sheets and sealed in zip-lock bags, connection to drug trafficking cannot reasonably be disputed); United States v. \$41,305 in Currency and Travelers Checks, 802 F.2d 1339, 1344-45 (11th Cir. 1986) (claimant must do more than show existence of possible legitimate sources for cash, because possibility alone does not constitute preponderance of evidence defeating forfeiture). We find no compelling reason to consider evidence Stallings attempts to submit for the first time on appeal. See Rivers-Frison v. Se. Mo. Cmty. Treatment Ctr., 133 F.3d 616, 619 n.2 (8th Cir. 1998).

Accordingly, we affirm.
